

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362  
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665  
Hon David A. Faber

**PLAINTIFFS' MOTION TO COMPEL AMERISOURCEBERGEN TO WITHDRAW  
PRIVILEGE CLAIMS AND FOR *IN CAMERA* REVIEW OF PRIVILEGE CLAIMS**

Pursuant to Rules 33, 34, and 37 of the Federal Rules of Civil Procedure, Plaintiffs THE CITY OF HUNTINGTON, and CABELL COUNTY COMMISSION (collectively, "Plaintiffs"), through their undersigned counsel, hereby move for an order compelling Defendant AmerisourceBergen Drug Corporation ("ABDC") to: a) withdraw privilege claims over documents and/or types of documents which have been previously determined not to be privileged (either by ABDC itself or by the MDL 2804 Court), and b) to produce for *in camera* review the underlying documents relating to other ABDC privilege claims previously challenged but not

responded to by ABDC. Plaintiffs' motion should be granted for the reasons given in the accompanying memorandum of law, which is incorporated herein. Pursuant to LR Civ P 7.1(a), copies of all documents and other such materials or exhibits referenced in the accompanying memorandum, and upon which this motion relies, are attached to this motion. Plaintiffs further certify that they have conferred with counsel for ABDC in an effort to resolve the discovery dispute without court intervention.

Dated: February 21, 2020

Respectfully Submitted,

/s/ Paul T. Farrell, Jr.

**Paul T. Farrell, Jr., Esq. (WV Bar # 7443)**

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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on this 21st day of February, the foregoing **“Plaintiffs’ Motion to Compel AmerisourceBergen to Withdraw Privilege Claims and for *In Camera* Review of Privilege Claims”** was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Paul T. Farrell, Jr.  
Paul T. Farrell, Jr. (W.Va. Bar # 7443)